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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,129	08/07/2006	Mathias Rausch	SC12838EM	7803

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EXAMINER	
BAIG, ADNAN	
ART UNIT	**PAPER NUMBER**
4172	

NOTIFICATION DATE	DELIVERY MODE
12/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/565,129	RAUSCH ET AL.	
	Examiner	Art Unit	
	ADNAN BAIG	4172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,9 and 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7,9 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/18/2006, 8/07/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-7, 9, and10 are rejected under 35 U.S.C. 102(e) as being anticipated by Le Scolan (US 7,058,729).

Regarding Claim 1, Le Scolan discloses a computer node for operating in a system comprising a plurality of network clusters, wherein a number of network clusters comprise a plurality of computer nodes.

(The reference node serves as a communication bus for the plurality of nodes in the communication network, Col. 10 Lines 31-36.

Referring to Fig. 2, a plurality of nodes are shown in a communication network.

See Col. 26 lines 32-36. The node is described to be any of the following devices (i.e. printer, server, computer, etc.)) See Col. 10 Lines 42-65.

the computer node comprising a synchronisation unit for comparing network timing information for a first network with network timing information for a second network.

(The synchronization unit or apparatus compares network timing information through use of frames), Col. 5 Lines 19-24. (Synchronization is performed from a first network to a second network) See Col. 5 Lines 45-47.

and for communicating to the first network a sign of the difference between the first network timing information and the second network timing information to allow the first network to alter its network timing information using the sign of the difference wherein a network clock rate between the first network and the second network is reduced in sufficiently small values to avoid loss of local synchronisation with other computer nodes in its network cluster. (The network clock is described to be in the apparatus or synchronization unit which monitors the rate or clock pulses between the first and second network. The difference is calculated and synchronization is performed to the applied network), Col. 6 Lines 38-60.

Regarding Claim 3, Le Scolan discloses a computer node according to claim 1, wherein the network timing information corresponds to the phase of the network clock.

Col. 20 Lines 24-31

(Referring to Fig.1, Le Scolan illustrates the phase offset in the computer node).

Regarding Claim 4, Le Scolan discloses a computer node according to claim 1, wherein the synchronisation unit is arranged to provide the sign of the difference to the second

network to allow the second network to alter its network timing information to allow the network timing difference between the first network and the second network to be reduced. (The difference is calculated and synchronization is performed to the applied network), Col. 6 Lines 38-60.

Regarding Claim 5, Le Scolan discloses a computer node according to claim 1, wherein the computer node is arranged to be coupled to the first network. (The first and second nodes described in Col. 5 Lines 59-61, are illustrated in Fig. 2, where node "A" is coupled to the first network).

Regarding Claim 6, Le Scolan discloses a computer node according to claim 1, wherein the computer node is arranged to be coupled to the second network via a second computer node. Col. 5 Lines 59-67.

(Referring to Fig. 2, Nodes A and B are coupled to each other in order to communicate information between the two networks). See Col. 10 Lines 55-60.

Regarding Claim 7, Le Scolan discloses a system comprising a plurality of network clusters comprising:

a first network, a second network; Col. 5 Lines 10-11

a computer node having a synchronisation unit for comparing network timing information for the first network with network timing information for the second network. Col. 5 Lines 45-47

and for communicating to the first network a sign of the difference between the first network timing information and the second network timing information such that a network clock rate of the first network is reduced in sufficiently small values to avoid loss of local synchronisation with other computer nodes in its network cluster using the sign of the network timing difference between the first network and the second network. (The difference is calculated and synchronization is performed to the applied network), Col. 6 Lines 38-60.

Regarding Claim 9, Le Scolan discloses a system according to claim 7, wherein the first network has a plurality of nodes. (Referring to Fig. 2, Node A in the first network contains a plurality of nodes) See Col. 11 Lines 6-8.

and the first network timing information is used to maintain synchronisation of the plurality of nodes. (The synchronized networks are described to be maintained) See Col. 5 Lines 55-58.

wherein the change in network timing information is sufficiently small to allow the plurality of nodes to maintain synchronisation should one of the plurality of nodes not change its timing information in response to the sign of the difference communicated by the computer node. (In the event the timing information is not changed by a node in the

network or one of the plurality of nodes, synchronization in the network is shown to still be maintained). See Col.19 Lines 1-19.

(Synchronization is shown to be maintained in the network, in the case of a data frame loss), Col. 18 Lines 11-15.

Regarding Claim 10, Le Scolan discloses a method for allowing synchronization of a first network and a second network, Col. 5 Lines 45-47

in a system comprising a plurality of network clusters, wherein a number of network clusters comprise a plurality of computer nodes, Col. 11 Lines 6-8

(Referring to Fig. 2, a plurality of nodes are shown in a communication network comprising a plurality of network clusters). See Col. 5 Lines 19-24

The method comprising:

Comparing network timing information for the first network with network timing information for the second network; the synchronization unit or apparatus compares network timing information through use of frames, Col. 5 Lines 19-24.

Communicating to the first network a sign of the difference between the first network timing information and the second network timing information wherein a network clock rate between the first network and the second network is reduced in sufficiently small values to avoid loss of local synchronisation with other computer nodes in its network cluster. (The difference is calculated and synchronization is performed to the applied network), Col. 6 Lines 38-60.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADNAN BAIG whose telephone number is (571) 270-7511. The examiner can normally be reached on Mon-Fri 7:30m-5:00pm eastern every other Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis West can be reached on 571-272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADNAN BAIG/
Examiner, Art Unit 4172

/Lewis G. West/

Supervisory Patent Examiner, Art Unit 4172